



GP 1632

Atty. Dkt. No. 035879-0116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas E. WAGNER et al.

Title: HYBRID CELLS

Appl. No.: 09/756,293

Filing Date: 01/09/2001

Examiner: Qian J. Li

Art Unit: 1632

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

01/02/2004 WASFAW1 00000028 09756293

01 FC:1806

180.00 OP

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Documents B2 – B7 were cited in the International Search Report in Applicants' International Application PCT/US01/00571. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

The relevance of the foreign-language document is described on sheet 2 of the attached International Preliminary Examination Report which states:

"D3 [STRYER, Biochemie, Spektrum der Wissenschaften GmbH, 1990, pp. 931-933] is a general textbook which discloses hybrid cells in order to produce monoclonal antibodies (pages 931-933). Said hybrid cell preparation, derived from mutant myeloma cell line cells and spleen cells, is obtained through metabolic selection on HAT-medium, contains only one selectable marker and lies therefore within the scope of claim 4."

An English translation of the foreign-language document is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

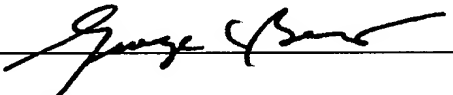
Date 23 December 2003

FOLEY & LARDNER

Customer Number: 22428

Telephone: (202) 945-6078

Facsimile: (202) 672-5399

By 

George C. Best

Attorney for Applicant

Registration No. 42,322

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/756,293
Filing Date	01/09/2001
First Named Inventor	Thomas E. WAGNER
Group Art Unit	1632
Examiner Name	Qian J. Li
Attorney Docket Number	035879-0116

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	B1	6,652,848	B1	GONG et al.	11-25-2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	B2	WO	90/03576	A1	CETUS CORPORATION	04-05-1990		
	B3	WO	96/30030	A1	BAXTER INTERNATIONAL INC.	10-03-1996		
	B4	WO	98/46785	A1	DANA-FARBER CANCER INSTITUTE, INC.	10-22-1998		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	B5	HOLMES et al., "A Rapid, Novel Strategy to Induce Tumor Cell-Specific Cytotoxic T Lymphocyte Responses Using Instant Dendritomas," <u>Journal of Immunotherapy</u> , 2001, pp. 122-129, Vol. 24, No. 2	
	B6	SCHAAP et al., "Gene expression in flow sorted mouse teratocarcinoma x human fibroblast heterokaryons," <u>Differentiation</u> , 1984, pp. 127-133, Vol. 26, Springer-Verlag	
	B7	STRYER, <u>Biochemie</u> , Spektrum der Wissenschaften GmbH, 1990, pp. 931-933	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.